

ASSEMBLY BILL

No. 1864

Introduced by Assembly Member DeVore

January 31, 2008

An act to amend Section 1016 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1864, as introduced, DeVore. Juveniles.

Existing law provides that whenever a person confined in any state institution subject to the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, escapes, or is discharged, or paroled from that institution, and any personal funds or property of that person remains in the hands of the Chief Deputy Secretary for Juvenile Justice, and no demand is made upon the chief deputy by the owner of the funds or property or his or her legally appointed representative, that person's money and property, as specified, remaining in the custody or possession of the chief deputy shall be held for 7 years, as specified.

This bill would instead require the chief deputy to hold those funds or property for 3 years, as specified. This bill would also make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1016 of the Welfare and Institutions Code
2 is amended to read:

1 1016. (a) Whenever ~~any~~ a person confined in ~~any~~ a state
2 institution subject to the jurisdiction of the ~~Youth Authority~~
3 *Department of Corrections and Rehabilitation, Division of Juvenile*
4 *Facilities*, escapes, or is discharged or paroled from ~~such~~ the
5 institution, and any personal funds or property of ~~such~~ that person
6 remains in the hands of the ~~Director of the Youth Authority~~ *Chief*
7 *Deputy Secretary for Juvenile Justice in the Department of*
8 *Corrections and Rehabilitation*, and no demand is made upon ~~said~~
9 ~~director~~ the chief deputy secretary by the owner of the funds or
10 property or his or her legally appointed representative, all money
11 and other intangible personal property of ~~such~~ that person, other
12 than deeds, contracts, or assignments, remaining in the custody or
13 possession of the ~~Director of the Youth Authority~~ chief deputy
14 secretary shall be held by him or her for a period of ~~seven~~ three
15 years from the date of ~~such~~ that escape, discharge, or parole, for
16 the benefit of ~~such~~ the person or his or her successors in ~~interest~~;
17 ~~provided, however, that interest. However,~~ unclaimed personal
18 funds or property of paroled minors may be exempted from the
19 provisions of this section during the period of their minority and
20 for a period of one year thereafter, at the discretion of the ~~director~~
21 chief deputy secretary.

22 ~~Upon~~
23 (b) ~~Upon~~ the expiration of ~~said seven-year~~ this three-year period,
24 any money and other intangible personal property, other than deeds,
25 contracts or assignments, remaining unclaimed in the custody or
26 possession of the ~~director~~ chief deputy secretary shall be subject
27 to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of
28 Civil Procedure.

29 ~~Upon~~
30 (c) ~~Upon~~ the expiration of one year from the date of ~~such~~ the
31 escape, discharge, or parole:

32 (a)
33 (1) All deeds, contracts, or assignments shall be filed by the
34 ~~director~~ chief deputy secretary with the public administrator of the
35 county of commitment of ~~such~~ that person.

36 (b)
37 (2) All tangible personal property other than money, remaining
38 unclaimed in his or her custody or possession, shall be sold by the
39 ~~director~~ chief deputy secretary at public auction, or upon a
40 sealed-bid basis, and the proceeds of the sale shall be held by him

1 *or her* subject to the provisions of Section 1752.8 of this code, and
2 subject to the provisions of Chapter 7 of Title 10 of Part 3 of the
3 Code of Civil Procedure. If he *or she* deems it expedient to do so,
4 the ~~director~~ *chief deputy secretary* may accumulate the property
5 of several inmates and may sell the property in ~~such~~ lots as he *or*
6 *she* may determine, provided that he *or she* makes a determination
7 as to each inmate's share of the proceeds.

8 If

9 (d) *If* any tangible personal property covered by this section is
10 not salable at public auction or upon a sealed-bid basis, or if it has
11 no intrinsic value, or if its value is not sufficient to justify its
12 retention by the ~~director~~ *chief deputy secretary* to be offered for
13 sale at public auction or upon a sealed-bid basis at a later date, the
14 ~~director~~ *chief deputy secretary* may order it destroyed.